UNITED STATES DISTRICT COURT

		for the		~	
	Eastern Dis	trict of	Michigan		/
	United States of America v.)))	Case No.	JAN U.S. DISTRI	15 2015 S OFF
)		OISTR	CT COUNT
	Defendant	,			• • •
	DETENTION OF	(DER P	ENDING TRIA	L	
require	After conducting a detention hearing under the E tire that the defendant be detained pending trial.	lail Refo	orm Act, 18 U.S.	C. § 3142(f), I con	clude that these facts
/			s of Fact		
L (1)	1) The defendant is charged with an offense describ	ed in 18	U.S.C. § 3142(f)(1) and has previo	ously been convicted
	of \square a federal offense \square a state or local of	fense th	nat would have be	een a federal offens	se if federal
	jurisdiction had existed - that is				
	a crime of violence as defined in 18 U.S.6 for which the prison term is 10 years or m		6(a)(4)or an offe	nse listed in 18 U.	S.C. § 2332b(g)(5)
	an offense for which the maximum senter an offense for which a maximum prison t				7 425, C & 8916
	a felony committed after the defendant had described in 18 U.S.C. § 3142(f)(1)(A)-(0)				eral offenses
	any felony that is not a crime of violence	but inv	olves:		
	□ a minor victim				
	the possession or use of a firearm or	destruct	ive device or any	other dangerous v	veapon
	☐ a failure to register under 18 U.S.C.	§ 2250			
□ (2)	 The offense described in finding (1) was com- federal, state release or local offense. 	mitted v	vhile the defenda	nt was on release p	pending trial for a
E (3)	3) A period of less than five years has elapsed si	nce the	□ date of cor	viction the	defendant's release
	from prison for the offense described in finding	ıg (1).			
□ (4)	4) Findings Nos. (1), (2) and (3) establish a rebutta of another person or the community. I further	able pres er find t	sumption that no chat the defendant	condition will reason thas not rebutted t	onably assure the safety his presumption.
,	Alterna	tive Fin	dings (A)		
L (1)	(1) There is probable cause to believe that the de	fendant	has committed a	n offense	
	for which a maximum prison term of ten under 18 U.S.C. § 924(c).	years o	r more is prescrib	ped in MULS	, C. § 841 cas

^{*}Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

United States District Court

for the

Eastern	District	of	Michigan	

The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

(1) There is a serious risk that the defendant will not appear.

There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II— Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by clear and convincing evidence a preponderance of the evidence that

Please See a Hacked,

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: 1-15-15 Gettl a Attled

Judge's Signature

ELIZABETH STAFFORD - UNITED STATES MAGISTRATE JUDGE

Name and Title

United States v. Eric Thomas Valastek 15-30007

The Court finds by clear and convincing evidence that there are no conditions or combination of conditions that would reasonably assure the safety of the public if Defendant Eric Thomas Valastek were to be released. As set forth in the complaint, Detroit Police officers arrested Valastek and his codefendant, Michael Jack Gutierrez, on December 4, 2014 after finding them in possession of marijuana, cocaine and heroin, each of which was packaged for sale. The officers also found a loaded handgun in Valastek's jacket, and there was a bullet in the chamber. Valastek is charged with possession with intent to distribute the controlled substances (21 U.S.C. § 841(a)), with being a felon in possession of a firearm (18 U.S.C. § 922(g)), and with possession of a firearm in furtherance of a drug trafficking crime (18 U.S.C. § 924(c)). There is probable cause to support these charges.

The Court finds that the nature and circumstances of the crime are serious, and in fact result in a rebuttable presumption that Valastek is a danger to the community and a flight risk. The weight of the evidence is strong. Valastek has significant family ties and ties to the community. Conversely, he has no significant employment history. Additionally, from

February 9, 2007 until March 26, 2009, Valastek was arrested and convicted for several crimes including felony weapons, felony dangerous drugs and felony stolen vehicle. During that time period, he violated three sentences of probation. After his probation was finally revoked and he was sentenced to one to five years of imprisonment, Valastek was paroled in 2010 and discharged from parole in July of 2013. Therefore, Valastek was just released from supervision about a year and a half before the instant alleged offenses.

Valastek presented significant evidence to rebut the presumption that he is a flight risk: his strong family ties and his lack of a history for failure to appear as directed. However, his proffer that he has no criminal convictions since 2009 and that his convictions were for violent felonies did not rebut the presumption that he created a danger to the public.

Dangerousness of further illegal activity is relevant even if the likely illegal activity is not violent in nature. *United States v. Stone*, 608 F.3d 939, 948 n. 7 (6th Cir. 2010).

For these reasons, the Court finds that the government established by clear and convincing evidence that Valastek should be detained in order to assure the safety of the community.